

Dangerous Dogs: Could Your Pet Send You In Front Of A Magistrate?

Your precious pooch may be nothing but perfect in your eyes but your neighbours, local council or police may not see it this way.

In NSW, a dog is classified as dangerous if it has, without provocation, attacked or killed a person or animal.

But as of last year, dogs who display unreasonable aggression towards a person or another animal – even if they have never actually attacked – can also be classed as dangerous or menacing.

What can I do if my dog has been declared dangerous or menacing?

Authorised officers (employees of the local council) or a local court can declare a dog to be dangerous or menacing. If your pet has been found to be dangerous under the laws of another State or Territory under corresponding legislation, then it can also be considered dangerous or menacing here.

An authorised officer or council should have notified you if they are planning on declaring your dog dangerous or menacing.

When notice is given of the intention of the authorised officer's intention to declare the dog dangerous, you must ensure that:

- when the dog is away from where it is ordinarily kept that it will be under the control of a competent person and held by a chain, leash, cord or similar
- when the dog is away from where it is ordinarily kept that it has a muzzle fixed securely over its mouth to

- prevent it biting anyone or other animal
- when the dog is in the place it is ordinarily kept it must be restrained so as to prevent it from attacking or chasing a person lawfully on the property
- register the dog – which includes microchipping – (if it is not already registered) within seven days of receiving the notice

These restrictions stay in place for 28 days after notice was given or until the authorised officer tells you whether or not your dog has been declared dangerous.

Note that a dog will not be deemed as under effective control if a person has more than 2 dogs (and at least one of them is potentially dangerous) in their control at the same time.

If you fail to comply with these requirements you could get a \$5,500 fine. In addition, you could risk your dog being seized if the authorised officer is not satisfied that you are meeting these requirements.

What if I want to contest the order?

If you do wish to object to a dangerous dog order, you must do so in writing, to the authorised officer within seven days of receiving the notice, which states the council is considering declaring your dog dangerous.

Those who make vexatious and frivolous claims against dogs can be penalised.

If you don't complain within the seven-day time frame, the authorised officer has the right to go ahead and declare your dog dangerous.

But if you do make a complaint, the authorised officer is obliged [by law](#) to consider your application.

After your application has been considered, the authorised officer will notify you of their decision. If they find your

dog dangerous, you can appeal that decision, but will need to comply with the requirements in the meantime.

If it is found that your dog has been declared a dangerous dog, you must make sure that you comply with the following [requirements](#):

- The dog must be desexed
- The person in charge of the dog must be at least 18 years old
- When it is on the property where it is usually kept the dog must be in a suitable enclosure
- Children must be prevented from having access to the dog
- It must wear a collar at all times
- When outside the enclosure the dog must be under the control of a competent person and on a chain, cord or leash and be muzzled

If the dog attacks anyone, is lost, kept in a different place or dies, you must notify the council.

A declaration can be revoked, if you apply after 12 months, and if it is appropriate, and if it is necessary, for example if your dog has undergone appropriate behavioural training.

If the revocation is not granted, you can appeal in local court within 28 days of receiving notice from the authorised officer or council. But during this time frame you must still comply with the requirements.

Courts have the power to order your dog to be 'destroyed' – or they may authorise measures that will lead to the dog being less of a threat such as de-sexing, behavioural training or other types of training associated with responsibly pet ownership.

If may be ordered to be destroyed if you dog attacks or bites an animal without provocation or if you don't comply with the requirements of keeping a dangerous or menacing dog.

However a destruction order can only be given if the court is satisfied that permanently removing the dog from its owner would not be enough to protect the public.

Non-compliance with the destruction order could cost you \$11,000.

For many of us, our pets are part of the family. If you are in a situation where you are worried about the fate of your pet in relation to a dangerous or menacing dog order, getting advice from a [law firm experienced in dangerous dog cases](#) is essential.

Having qualified professionals fighting on your behalf ensures that you will get the best possible outcome for you and your dog.